

Public Chapter 211

HOUSE BILL NO. 1901

By Representatives McMillan, Halteman Harwell, Brenda Turner, Lois DeBerry, Kisber, Hargrove, Maddox, Sherry Jones, Pleasant, Haley, Hargett, Pruitt, Patton, Ford, Jackson and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 1431

By Senators Person, Haynes, Harper, Crowe, Burks

AN ACT to broaden the coverage of orders of protection and to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-601, is amended as follows:

(a) by inserting the words and punctuation "placing an adult or minor in fear of physical harm," after the words and punctuation "accidental means," in item (1);

(b) by inserting the words "or minor" after the words "on an adult" in item (1);

(c) by deleting the language of item (4) in its entirety;

(d) by deleting the language of item (9) in its entirety and by substituting instead the following:

(9) "Victim" means any person who falls within the following categories and who a law enforcement officer has determined is not a primary aggressor under the factors set out in § 36-3-619(c):

(A) Adults or minors who are current or former spouses;

(B) Adults or minors who live together or who have lived together;

(C) Adults or minors who are dating or who have dated or who have or had a sexual relationship, [as used herein "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context];

(D) Adults or minors related by blood or adoption;

(E) Adults or minors who are related or were formerly related by marriage; or

(F) Adult or minor children of a person in a relationship that is described in subitems (A) through (E) above.

SECTION 2. Tennessee Code Annotated, Section 36-3-602, is amended by deleting the language of the section in its entirety and by substituting instead the following:

Any victim who has been subjected to, or threatened with or placed in fear of, abuse by an adult who falls into one of the categories set forth in § 36-3-601(9)(A) through (F) may seek relief under this part by filing a sworn petition alleging such abuse by the respondent.

Any petition filed by an unemancipated person under eighteen (18) years of age shall be signed by one (1) of that person's parents or by that person's guardian.

SECTION 3. Tennessee Code Annotated, Section 36-3-604(b)(1), is amended as follows:

(a) by deleting the language of item 2. in its entirety and by substituting instead the following:

2. Petitioner is an adult or minor and respondent is an adult:

(A) who are current or former spouses; or

(B) who live together or who have lived together; or

(C) who are dating or who have dated or who have or had a sexual relationship, [as used herein "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context]; or

(D) who are related by blood or adoption; or

(E) who are related or were formerly related by marriage; or

(F) who are adult or minor children of a person in a relationship that is described in subitems (A) through (E) above.

(b) by inserting the words and punctuation ", or has placed petitioner in fear of physical harm" at the end of the first sentence in item 4.

SECTION 4. Tennessee Code Annotated, Section 36-3-615, is amended by deleting the language of subsection (a) in its entirety and by substituting instead the following:

(a) After an adult, who falls into one of the categories set forth in Section 36-3-601(9)(A) through (F), has been arrested for assault pursuant to § 39-13-101, or aggravated assault pursuant to § 39-13-102 against a victim as defined in this part, the arresting officer shall inform the victim that the person arrested may be eligible to post bond for the offense and be released until the date of trial for the offense.

SECTION 5. Tennessee Code Annotated, Section 36-3-620, is amended by deleting the words "family or household member" wherever they appear in the section and by substituting instead the word "victim".

SECTION 6. Tennessee Code Annotated, Section 40-35-303(m), is amended by deleting the words, figures and symbols "in which the victim of the offense is a family or household member, as defined in § 36-3-601," and by substituting instead the following: in which the victim falls within the definition set forth within § 36-3-601(9),

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.